

**APPLICATION FOR REFERRAL OF CASE TO
THE COMPLEX LITIGATION DOCKET (CLD)**

JD-CV-39 Rev. 4-13

Pr. Bk. Sec. 23-15, C.G.S. §§ 51-347b, 52-259

**STATE OF CONNECTICUT
SUPERIOR COURT - CIVIL DIVISION**

www.jud.ct.gov

COURT USE ONLY

CLDAPP



Instructions

1. Counsel and self-represented parties seeking to have a case referred to the Complex Litigation Docket (CLD) must supply all of the information requested below. (Failure to supply complete and accurate information may disqualify a case.)
2. **This application must be accompanied by the appropriate fee** (Section 52-259 of the Connecticut General Statutes).
3. Information that does not fit on this form should be attached on a separate sheet, numbered to correspond to the questions on the form.
4. Attorneys not excluded from e-filing must e-file this form and select "Complex Litigation Application" when naming the form in e-filing. Attorneys excluded from e-filing and self-represented parties must file the original with the appropriate fee with the Clerk in the judicial district in which the case is pending.

Note: Any objection to the transfer of this case to the CLD must be filed within 15 calendar days after the filing of this application. Attorneys not excluded from e-filing must select "Objection to Transfer to Complex Litigation" when naming the objection in e-filing. Attorneys excluded from e-filing and self-represented parties must file the objection with the Clerk in the judicial district in which the case is pending and must title it "Objection to Transfer to the Complex Litigation Docket."

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

I submit this application for the Court's consideration.

Name and address of applicant Jonathan P. Whitcomb, One Atlantic Street, Stamford, CT 06901	Juris number 403763	Telephone number 203-358-0800
1. Case name (Plaintiff v. Defendant) Donna L. Soto, et. al., v. Bushmaster Firearms International, LLC, et. al.	2. Docket number FBT-CV15-6048103-S	
3. Judicial District in which case is pending Fairfield at Bridgeport (remanded from the United States District Court, Dist. of Conn.)	4. Return date of original complaint 02/03/2015	

5. List all plaintiffs and their counsel:

Plaintiff's name	Counsel's name and address	Counsel's phone #
Donna L. Soto	Joshua D. Koskoff, 350 Fairfield Ave., Bridgeport, CT 06604	203-579-6527
(See attached addendum.)		

6. List all defendants and their counsel:

Defendant's name	Counsel's name and address	Counsel's phone #
Bushmaster Firearms International, LLC	Jonathan Whitcomb, One Atlantic St., Stamford, CT 06901	203-358-0800
(See attached addendum.)		

7. Indicate whether opposing counsel opposes:

- a. referral to the CLD.....
- b. transfer to the CLD location requested on this application....

Yes

☒
☒

No

☐
☐

8. Briefly describe the nature of the case: (products liability, anti-trust, stockholders' action, UCC, etc.)

This case is comprised of nine wrongful death actions and one personal injury action against eleven defendants arising from the December 14, 2012 shooting in Newtown, Connecticut. The defendants include separate corporate entities and an individual that are alleged to be involved in varying capacities of the manufacture, the wholesale distribution and the retail sale of the firearm used in the shooting. The theories of recovery include public nuisance, product liability, negligent entrustment and the Connecticut Unfair Trade Practices Act.

9. List any cases with which this case is consolidated:

(Note: In order to apply for CLD in unconsolidated but related cases, a separate application with fee is required for each case.)

Case name (Plaintiff v. Defendant)	Docket number	Judicial District
None		

10. Indicate the status of the litigation:

- a. pleadings closed.....
- b. discovery completed.....
- c. file sealed (partial/entire).....
- d. scheduled for trial — if so, when _____ (Date)
- e. pretrial held.....
- f. trial management conference held.....

Yes

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No

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☒

(Continued...)

	Yes	No	Not yet determined
g. claimed for jury trial.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. claimed for bench trial.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. class action status sought.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

11. Has a request or application to refer this case to the Complex Litigation Docket previously been denied?

☐ Yes ☒ No

12. What is the estimated length of trial (in days)? Unknown at this time.

13. Why should this case be referred to the CLD ?

Plaintiffs' allegations require application of the Protection of Lawful Commerce in Arms Act (PLCAA), 15 U.S.C. §§ 7901-03, which broadly provides immunity to firearm manufacturers and sellers for liability resulting from the criminal use of firearms by third parties, subject to certain exceptions. Questions of statutory interpretation may arise that will require application of case law from other jurisdictions, and questions of first impression under Connecticut law will likely be addressed. A challenge to the constitutionality of the PLCAA is also anticipated, which will require intervention by the U.S. Justice Department. Extensive dispositive motion practice is anticipated. Another PLCAA case, *Gilland*, 2011 Conn. Super. LEXIS 1320, was transferred to the complex docket.

14. Which CLD location is requested? (Enter order of preference.)

3 Hartford 1 Stamford 2 Waterbury

Certification

I certify that a copy of this document was mailed or delivered electronically or non-electronically on (date) 10/21/2015 to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Name and address of each party and attorney that copy was mailed or delivered to*

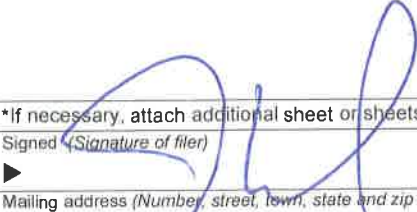
Joshua D. Koskoff (Counsel for all Plaintiffs)
Koskoff, Koskoff & Bieder, P.C.
350 Fairfield Ave.
Bridgeport, CT 06604

Christopher Renzulli (Counsel for Defendants, Camfour, Inc. and
Renzulli Law Firm, LLP Camfour Holding, LLP aka Camfour Holding, Inc.)
81 Main Street, Suite 508
White Plains, NY 10601

Riverview Sales, Inc. (Defendant, Riverview Sales, Inc.)
Agent for Service: Varunes & Associates
5 Grand Street
Hartford, CT 06106

David LaGuercia (Defendant, David LaGuercia)
1100 River Road
Agawam, MA 01001 - and -
119 Walnut Street
Agawam, MA 01001

*If necessary, attach additional sheet or sheets with name and address which the copy was mailed or delivered to.

Signed (Signature of filer)	Print or type name of person signing	Date signed
	Jonathan P. Whitcomb	10/21/2015
Mailing address (Number, street, town, state and zip code)		Telephone number
DISERIO MARTIN O'CONNOR & CASTIGLIONI LLP, One Atlantic Street, Stamford, CT 06901		203-358-0800

ADDENDUM

Plaintiffs:

1. DONNA L. SOTO ADM, OF THE ESTATE OF VICTORIA L. SOTO, DECEASED

Counsel: Joshua D. Koskoff
Koskoff, Koskoff & Bieder, P.C.
350 Fairfield Ave.
Bridgeport, CT 06604

2. IAN AND NICOLE HOCKLEY CO-ADMS. OF THE ESTATE OF DYLAN C. HOCKLEY

Counsel: Joshua D. Koskoff

3. WILLIAM SHERLACH EXECUTOR OF THE ESTATE OF MARY J. SHERLACH

Counsel: Joshua D. Koskoff

4. WILLIAM SHERLACH

Counsel: Joshua D. Koskoff

5. LEONARD POZNER ADM. OF THE ESTATE OF NOAH S. POZNER

Counsel: Joshua D. Koskoff

6. GILES J. ROUSSEAU ADM. OF THE ESTATE OF LAUREN G. ROUSSEAU

Counsel: Joshua D. Koskoff

7. DAVID C. WHEELER ADM. OF THE ESTATE OF BENJAMIN A. WHEELER

Counsel: Joshua D. Koskoff

8. NEIL, ET AL HESLIN CO-ADMS. OF THE ESTATE OF JESSE MCCORD LEWIS

Counsel: Joshua D. Koskoff

9. MARK AND JACQUELINE BARDEN CO-ADMS. OF THE ESTATE OF DANIEL G. BARDEN

Counsel: Joshua D. Koskoff

10. MARY D'AVINO ADM. OF THE ESTATE OF RACHEL M. D'AVINO

Counsel: Joshua D. Koskoff

11. NATALIE HAMMOND

Counsel: Joshua D. Koskoff

Defendants:

1. BUSHMASTER FIREARMS INTERNATIONAL, LLC AKA FREEDOM GROUP, INC., AKA REMINGTON OUTDOOR COMPANY, INC.

Counsel: Jonathan P. Whitcomb
Diserio, Martin, O'Connor & Castiglioni, LLP
One Atlantic Street
Stamford, CT 06901

2. FREEDOM GROUP, INC., AKA FREEDOM GROUP AKA FREEDOM GROUP, LLC, AKA REMINGTON OUTDOOR COMPANY

Counsel: Jonathan P. Whitcomb

3. BUSHMASTER FIREARMS AKA FREEDOM GROUP, INC., AKA REMINGTON OUTDOOR COMPANY, INC.

Counsel: Jonathan P. Whitcomb

4. BUSHMASTER FIREARMS, INC., AKA FREEDOM GROUP, INC., AKA REMINGTON OUTDOOR COMPANY, INC.

Counsel: Jonathan P. Whitcomb

5. BUSHMASTER HOLDINGS, LLC, AKA FREEDOM GROUP, INC., AKA REMINGTON OUTDOOR COMPANY, INC.

Counsel: Jonathan P. Whitcomb

6. REMINGTON ARMS CO., LLC, AKA BUSHMASTER FIREARMS INT., INC., AKA FREEDOM GROUP, INC., AKA REMINGTON OUTDOOR CO.

Counsel: Jonathan P. Whitcomb

7. REMINGTON OUTDOOR COMPANY, INC., AKA FREEDOM GROUP, INC.

Counsel: Jonathan P. Whitcomb

8. CAMFOUR, INC.

Counsel: Christopher Renzulli
Renzulli Law Firm, LLP
81 Main Street, Suite 508
White Plains, NY 10601

9. CAMFOUR HOLDING, LLP, AKA CAMFOUR HOLDING, INC.

Counsel: Christopher Renzulli

10. RIVERVIEW SALES, INC.

Counsel: Unknown

11. DAVID LAGUERCIA

Counsel: Unknown